

MEMORANDUM ENDORSED



OFFICE OF THE DISTRICT ATTORNEY, Bronx County

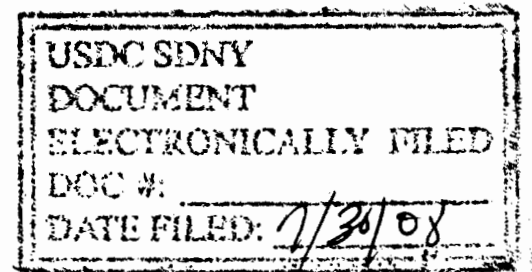
ROBERT T. JOHNSON
District Attorney

198 East 161st Street
Bronx, New York 10451

(718) 590-2078
Fax 590-6523

July 28, 2008

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 510
New York, New York 10007



Re: David Castillo v. Superintendent Robert Ercole,
(Docket No.: 07 Civ. 11256 (LAP) (GWG))

Dear Judge Gorenstein:

As you know, the petitioner has filed a petition for a writ of habeas corpus, to which the People have been Ordered to respond by, Monday, August 4, 2008.

I write to request an additional ninety-days to respond. I was assigned this case on or about June 12, 2008. From June 16 to June 30, 2008, I was a full-time participant in this Office's Felony Trial Training Program. I also vacationed from July 12 to July 19, 2008. Aside from the aforementioned dates, when I was unavailable to work on this matter, my time has been spent working on a four-point appellate brief in People v. Jisun Allah (Indictment No. 95050/2005), and another two-point brief in People v. Seth Richie (Indictment No. 39431C/2005), both of which must be filed at the Appellate Division, First Department by August 6, 2008. Additionally, I am taking another vacation some time in August. Accordingly, due to my current workload and vacation schedule, I am unable to complete my response by the current due date. Accordingly, I respectfully request an extension of time, until Monday, November 3, 2008. *J*

*Granted. Any response within
30 days thereafter.
No further extension absent
formal motion.*

SO ORDERED, DATE: 7/30/08
[Signature]
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

The Honorable Gabriel W. Gorenstein

-2-

July 28, 2008

This is respondent's first request for an extension of time. If the Court has any questions or concerns, please contact me at (718) 590-2078. Thank you for the Court's consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Jason S. Whitehead", written in a cursive style.

Jason S. Whitehead
Assistant District Attorney
Appeals Bureau

cc: David Castillo
96-A-8121
Green Haven Correctional Facility
P.O. Box 4000
Stormville, NY 12582

Defendant pro se